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BOOK REVIEWS.

INTERNATIONAL CIVIL AND COMMERCIAL LAW, AS FOUNDED UPON THEORY, LEGISLATION, AND PRACTICE. By F. Meili, Professor of International Private Law in the University of Zurich. Translated and supplemented with additions of American and English Law. By Arthur K. Kuhn, A. M., of the New York Bar. New York and London: The Macmillan Co. 1905. pp. xxvii, 559, 8vo.

Professor Meili is known as one of the highest living authorities on the subject variously described as private international law, international private law, and the conflict of laws. In the present work he discusses the conflict of laws in its most important aspect, the civil and commercial, with all the precision and lucidity which we are accustomed to find in his writings. After explaining the general conception and classification of his subject, he summarizes its historical development, both in ancient and in modern times, and analyzes and compares the doctrines of the Italian, French, Belgian and Dutch schools of jurists, besides tracing out the introduction, influence and development of theories in various countries, including England and the United States. Under the head of international civil law, he discusses the legal position of aliens in modern times in respect to private law, and the nature and classification of rules for the solution of the so-called conflicts of laws; the law of persons, juristic as well as natural; including the capacity to have and to exercise rights and the regulation of status; the law of the family, including marriage, divorce, guardianship and legitimacy; the law of things, movable and immovable; the law of obligations, both *ex contractu*, *quasi ex contractu*, and *ex delicto*; and the law of succession, testate and intestate. Under the title of international commercial law, he discusses questions of personal and corporate capacity of partnership, of contract, and of tort; the law of bills and notes; and maritime law, including mortgages, affreightment and average, and maritime torts. The importance of the present publication is enhanced by the fact that since the translation of the works of Savigny and von Bar, lawyers in English-speaking countries have had no opportunity to study in their own tongue the development of theory and practice in matters of the conflict of laws in the countries of the Continent of Europe. Such an opportunity is to be welcomed, not only because the Continental jurist is not vexed with the rising torrent of inconsistent and unassorted judicial decisions and dicta which threatens to overwhelm the American writer, but also because the Continental states, besides adopting notable measures of legislation on the conflict of laws, such as the Swiss statute of 1891, and the German civil code with its introductory act, which came into force on January 1, 1900, have taken a stride towards uniformity through the international conferences at The Hague in 1893, 1894, 1900 and 1904. These conferences have resulted in the formulation of three treaties, which are designed to regulate conflicts of law in respect of (1) marriage, (2) divorce and separation, and (3) the guardianship of minors. These three treaties are given as appendices to the present volume, both in the original and in translation.

We do no more than justice in saying that Mr. Kuhn has laid the English-speaking bar under obligations in translating and supplementing Professor Meili's work. His translation, in the making of which he had the rare advantage of constant association with the author, is admirable. While it faithfully reproduces the meaning of the original, it is strikingly free from any trace of the awkwardness that so often attends the attempt to transmute the idiom of one language into that of another. It has indeed all the ease and clearness of a treatise written originally in English. In his additions of American and English law, Mr. Kuhn has shown both intelligence and good judgment; and it may be said that, in his aim to produce a work which would prove serviceable both to the practitioner and to the student, he has been eminently successful.

PRINCIPLES OF CONTRACTS. By Sir F. Pollock. Third American Edition by G. H. Wald and S. Williston. New York: Baker, Voorhis & Co. 1906. pp. cliv, 985.

This is in several respects the best of all the books on the law of simple contracts. Mr. Langdell's work on the subject, which he has called "A Summary of Contracts," has not been equalled for scientific analysis and discussion of those topics which it covers, but, to the regret of every one who has read it, it leaves untouched some of the important phases of this branch of law. In comparison, Mr. Langdell's treatise gives too little attention to what the law actually is, and the work under consideration, in at least some instances, gives too little attention to what the law should be.

It is no virtue in a law book that it cites a tremendous number of cases. If carefulness of selection and precision of analysis be used perhaps fewer cases will be referred to, but the result will doubtless be much better. It is a much easier mental operation to determine the cases which *bear* upon a point than to select from that mass of adjudications those which *decide* the point. The digest and not the text book is the place to exhibit collections of cases. The collector's work is not to be compared for dignity and usefulness with the work of the scientific law student and writer. The former tells you what cases deal with the given topic, the latter with what they say about it.

It is hard to define the character of a book which represents the labors of three different writers who did not work *together*. Such a work has no very consistent character. It would hardly be possible for it to have such character, and it is a pity that great students and investigators should content themselves with writing notes to other authors' texts. To justify its existence at this day the so-called text book must be a closely reasoned, comprehensive, analytical, scientifically conceived and developed exposition of the *principles* of that particular branch of the law which it purports to treat. And above all, it must be a consistent whole, not various fragments loosely thrown together. The worst criticism to be made of the Pollock, Wald, Williston work is just here: that, because of the very fact of its variety of authorship, it lacks the consistency of treatment which a scientific work requires.

On most of the important topics included in the subject, the work will be found to contain thorough and exhaustive statements, not